

## PART 327-- SEAMAN'S CLAIMS; ADMINISTRATIVE ACTION AND LITIGATION

### § 327.4 Claim requirements.

(a) *Form.* The claim may be in any form and shall be

- (1) In writing,
- (2) Designated as a claim,
- (3) Disclose that the object sought is the administrative allowance of the claim,
- (4) Comply with the requirements of this part, and
- (5) Filed as provided in §327.5 of this part.

The claim need not be sworn or attested to by the claimant. However, the statements made in the claim are subject to the provision of 18 U.S.C. 287 and 1001 and all other penalty provisions for make false, fictitious, or fraudulent claims, statements or entries, or falsifying, concealing, or covering up a material fact in any matter within the jurisdiction of any department or agency of the United States. Any lawsuits filed contrary to the provisions of section 5 of the Suits in Admiralty Act, as amended by Public Law 877, 81st Congress (64 Stat. 1112; 46 app. U.S.C. 745), shall not be in compliance with the requirements of this part.

(b) *Contents.* Each claim shall include the following information:

- (1) With respect to the seaman:
  - (i) Name;
  - (ii) Mailing address;
  - (iii) Date of birth;
  - (iv) Place of birth; and
  - (v) Merchant mariner license or document number and social security number
- (2) With respect to the basis for the claim:
  - (i) Name of vessel on which the seaman was serving when the incident occurred that is the basis for the claim;
  - (ii) Place where the incident occurred;
  - (iii) Time of incident--year, month and day, and the precise time of day, to the minute, where possible;
  - (iv) Narrative of the facts and circumstances surrounding the incident; and
  - (v) The names of others who can supply factual information about the incident and its consequences.
- (3) The dollar amount of the claim for:
  - (i) Past loss of earnings or earning capacity;
  - (ii) Future loss of earnings or earnings capacity;
  - (iii) Medical expenses paid out of pocket;
  - (iv) Pain and suffering; and
  - (v) Any other loss arising out of the incident (describe).

- (4) All medical and clinical records of physicians and hospitals related to a seaman's claim for injury, illness, or death shall be attached. If the claimant does not have a copy of each record, the claimant shall identify every physician and hospital having records relating to the seaman and shall provide written authorization for MARAD to obtain all such records. The claim shall also include the number of days the seaman worked as a merchant mariner and the earnings received for the current calendar year, as well as for the two preceding calendar years.
- (5) If the claim does not involve a seaman's death, the following information shall be submitted with the claim:
  - (i) Date the seaman signed a re-employment register as a merchant mariner
  - (ii) Copy of the medical fit-for-duty certificate issued to the seaman;
  - (iii) Date and details of next employment as a seaman; and
  - (iv) Date and details of next employment as other than a seaman.
- (6) If the claim is for other than personal injury, illness or death, the claim shall provide all supporting information concerning the nature and dollar amount of the loss.

**§ 327.5 Filing of claims.**

- (a) Claims may be filed by or on behalf of seaman or their surviving dependents or beneficiaries, or by their legal representatives. Claims shall be filed either by personal delivery or by registered mail.
- (b) Each claim shall be filed with the Ship Manager or General Agent of the vessel with respect to which such claim arose. The claimant shall send a copy directly to the Chief, Division of Marine Insurance, Maritime Administration, Department of Transportation, 400 Seventh Street SW, Washington, DC 20590.